

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION**

In re: Lisa M. York-Cox	)	Case No.: 13-83227-CRJ-7
SSN: xxx-xx-4234	)	
	)	
	)	
Debtor.	)	Chapter 7

**APPLICATION BY TRUSTEE TO EMPLOY ATTORNEY**  
**NUNC PRO TUNC**

COMES NOW the Trustee, in compliance with 11 U.S.C. Section 327 and Bankruptcy Rules 2014 and 5002, and respectfully represents:

1. Applicant is the duly qualified and acting Trustee in this case.
2. The Estate now appears to have as an asset an interest in real property, the liquidation of which may require the employment of an attorney to assist the Trustee in reviewing, and preparing the necessary legal documents relating to the sale and real estate closing for said property. The attorney may also be required to obtain financial information through discovery if necessary, to draft and file pleadings relevant to the recovery and liquidation of said property, if there are conflicting claims, an adversary proceeding complaint, and to represent the Estate in the resulting trial and hearings and to prepare necessary orders and documents for the Trustee to resolve said claims. The attorney will be authorized to provide any other legal services that the Trustee may determine are necessary and beneficial to the Bankruptcy Estate.
3. In the opinion of the Trustee, employment of Sparkman, Shepard & Morris, P.C. as attorney would be in the best interest of the Estate because the creditors are from numerous places and as a practical matter would be unable to participate in the selection of an attorney for the Estate.
4. Mr. Shepard, Mr. Morris and Mr. Shepard of Sparkman, Shepard & Morris, P.C. are duly qualified attorneys in and under the laws of the State of Alabama, are duly admitted to practice before the courts of the State of Alabama, are “disinterested persons” as that term is defined in Section 101(13) of the Bankruptcy Code and are qualified to act as attorneys in this case.
5. Mr. Shepard, Mr. Morris and Mr. Shepard are experienced and enjoy good reputations in the practice of civil law in Madison County as set out in the attached Exhibit “A.” The hourly billing rate for Mr. Shepard is \$350.00, the hourly billing rate for Kevin Morris is \$295.00, and the hourly billing rate for Tazewell T. Shepard, IV is \$260.00.

6. The Trustee avers that there is no conflict of interest in employment of himself on a reasonable fee basis for services to be performed as attorney for the Trustee in an amount to be determined by the Court.

7. No agreement exists between the law firm and any other person or entity whatsoever outside the law firm for the sharing of compensation or expenses in this case.

8. The Trustee requests that the employment of Sparkman, Shepard & Morris, P.C. as attorney be approved *nunc pro tunc*, with an effective date of May 17, 2017.

9. On May 17, 2017, the Trustee contacted the attorney to request his assistance in pursuing Debtor's interest in real property the Debtor inherited. The attorney was required to perform an initial review of the file, investigation into the value of the asset and consult with the Trustee about the necessary steps to preserve the asset while awaiting the Court's approval of the law firm's employment.

10. The attorneys for the Trustee propose to limit their maximum potential compensation so as not to exceed twenty-five percent (25%) of the funds generated for the Bankruptcy Estate with counsel's assistance, unless otherwise Ordered by the Court for exceptional circumstances, and reasonable and necessary expenses.

11. **Applicant proposes that any objection to this application should state in writing why such application should not be granted and must be received by the U.S. Bankruptcy Court within twenty-one (21) days after the application was received. The Court shall hear any timely objection to the application at the Federal Courthouse, Cain Street Entrance, Decatur, Alabama. Unless a timely objection is filed, the Court may grant the application without further notice.**

WHEREFORE, applicant prays that he be authorized to employ Sparkman, Shepard & Morris, P.C. as attorney in this case *nunc pro tunc* with an effective date May 17, 2017 and that he have such other and further relief as is just.

Respectfully submitted this 24<sup>th</sup> day of May, 2017.

/s/ Kevin M. Morris

Tazewell T. Shepard, III

Kevin M. Morris

Tazewell T. Shepard, IV

*Attorneys to Trustee in Bankruptcy*

**SPARKMAN, SHEPARD & MORRIS, P.C.**

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### **VERIFIED STATEMENT BY ATTORNEY**

Pursuant to Bankruptcy Rule 2014(a), the undersigned hereby states to the Court that Sparkman, Shepard & Morris, P.C. has no connection, financial or otherwise, with the Debtors, the Debtors' creditors or any other party in interest and that he knows of no conflict or potential conflict of interest with his firm's proposed appointment as attorney for the Trustee.

/s/ Kevin M. Morris

Kevin M. Morris

### **CERTIFICATE OF SERVICE**

This is to certify that I have served the foregoing document upon Jeffrey B. Irby, Attorney for Debtor, Jeffrey B. Irby, P.C., 300 Clinton Avenue W., Suite 23, Huntsville, AL 35801, Lisa M. York-Cox, Debtor, 3524 Mariposa Road SW, Huntsville, AL 35805, and upon Richard M. Blythe, Office of the Bankruptcy Administrator, P.O. 3045, Decatur, AL 35602, by electronic service through the Court's CM/ECF system and/or by depositing said copy in the United States Mail in a properly addressed envelope with adequate postage thereon this the 24<sup>th</sup> day of May, 2017.

/s/ Kevin M. Morris

Kevin M. Morris